

September 14, 2005

The Oppenheimer Group
180 Nickerson St., Suite 211
Seattle, WA
98109-1631 USA

Tel 206-284-1705
Fax 206-284-0203
Website oppyproduce.com

Docket Clerk
Marketing Order Administration Branch
Fruit and Vegetable Programs
AMS, USDA
1400 Independence Avenue, SW
STOP 0237
Washington, DC 20250-0237

RE: Docket No. FV03-925-1PR
Federal Register Vol.70, No. 100, Page 30001
Grapes Grown in a Designated Area of Southeastern California and Imported Table
Grapes; Proposed Change in Regulatory Period
COMMENTS IN OPPOSITION TO PROPOSED CHANGE

Dear Docket Clerk:

David Oppenheimer & Company, I, LLC opposes the above referenced change in the dates that Table Grape Marketing Order 925 restrictions will be place on table grapes supplied from Chile. David Oppenheimer & Company has been an importer of Chilean product for over 40 years, as well as a domestic marketer, seller and exporter of American produce.

David Oppenheimer & Company concurs with the detailed comments and supporting data submitted by ASOEX, the Chilean Exporters Association. Specifically, we urge the agency to reject the proposed change in the regulatory period because:

The change in the beginning effective date of the marketing order from April 20 to April 1 will have a direct negative impact on our business.

- The proposed rule does not contain sufficient evidence of circumvention by Chilean table grapes to warrant the proposed change.

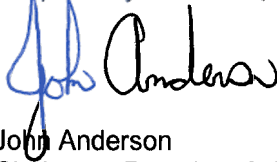
The change in date from April 20 to April 1 will create an artificial shortage of table grapes since there is no other commercially significant and reliable supply from any source other than Chile.

The Chilean grapes supplied from April 1 to the earliest commercially significant supplies of grapes from Coachella Valley in California meet marketing specifications from retail chains that are more stringent in some respects that the marketing order requirements.

- The proposed change cannot be validly based on a 20 year-old survey of cold storage practices.

The proposed change is not supported by any analysis of the record prices received by Coachella Valley growers in the last two seasons.

Respectfully submitted,



John Anderson
Chairman, President & CEO

c: D. Holzworth
Lepon Holzworth & Kato

B. Mertz
The Oppenheimer Group



expect the world from us